



Our Ref: DOC18/86954

Your Ref: SSD 5792

Mr Chris Ritchie
Director, Industry Assessments
Department of Planning & Environment
320 Pitt Street GPO Box 39
Sydney NSW 2001

Attention: Ms Deana Burn, Specialist Planner

Dear Mr Ritchie

Re: Cairncross Waste Management Facility SSD 5792

Thank you for your email dated 13 February 2018 about the public exhibition of the State Significant Development (SSD) application for the Cairncross Waste Management Facility seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

We have reviewed the documents on exhibition and advise that, although we have no issues to raise about historic heritage or Aboriginal cultural heritage, the adequacy of the measures to address impacts on the adjoining Rawdon Creek Nature Reserve and the adequacy of the proposed koala corridor are discussed in detail in **Attachment 1** to this letter.

The OEH recommends that:

1. Prior to determining the application:
 - a) A Biodiversity Offset Strategy (BOS) should be prepared to demonstrate how the required offsets will be provided in accordance with the Framework for Biodiversity Assessment. The BOS could either commit to the retirement of the required biodiversity credits, or demonstrate that the offsets will be suitable (if an offset site is proposed to be established) and identify any supplementary measures in consultation with the OEH. The BOS should also detail the timing of offset delivery.
 - b) A 50m wide vegetated buffer should be required between the boundary of the waste management facility footprint and the Rawdon Creek Nature Reserve. All infrastructure, including the Strategic Fire Advantage Zone, should be located outside this buffer.
 - c) The Strategic Fire Advantage Zone in the vicinity of the south-eastern boundary of the subject land, including any fencing or fire trails, should be established outside the 50m wide vegetated buffer to the Rawdon Creek Nature Reserve, in consultation with the National Parks and Wildlife Service.

- d) Fencing and fire trail access in the vicinity of the southern boundary of the subject land should be located outside the 50 m wide area to be retained and managed as a koala connectivity corridor.
- e) The proposed detention basins for Stages 2 and 3 should be located outside the 50m wide vegetated buffer to the Rawdon Creek Nature Reserve, and outside the koala connectivity corridor.
- f) The proponent should consider committing to securing the compensatory habitat area in the west of the site as shown in Figure 8-7 of the BAR, the 50m wide koala connectivity corridor and the 50m wide buffer to the Rawdon Creek Nature Reserve with a Biodiversity Stewardship Agreement under the *Biodiversity Conservation Act 2016*. Such an agreement could generate some or all of the biodiversity credits required to offset the impacts of the proposal. Alternatively, the proponent should commit to rezoning these areas to E2 Environmental Conservation as part of the next standard instrument amendment to provide greater long-term conservation security for these areas.

2. Once recommendation 1 has been addressed, the following should be included as conditions of consent:

- a. An Environmental Management Plan, that includes a Vegetation Management Plan, should be prepared in consultation with the OEH that describes how the impacts arising from the operation of the waste management facility on the Rawdon Creek Nature Reserve will be managed and mitigated to address the OEH *Guidelines for developments adjoining OEH land and water* (<http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines>) and how the vegetated buffer will be managed. This could be required as a condition of consent.
- b. A vegetation management plan (VMP) should be prepared and implemented for the 50m wide koala connectivity corridor. This should include the following:
 - i. A primary objective to create and maintain the area for native fauna habitat, and in particular koalas
 - ii. A remediation and revegetation plan for currently degraded areas in order to establish native trees, shrubs and groundcovers within the first five years of the project approval
 - iii. Management measures for the existing plantation vegetation including allowing native understorey regeneration
 - iv. Environmental and noxious weed management actions
 - v. Details on the hollow replacement mitigation measure (i.e. hollows to be replaced at 1:1 ratio to offset the impacts to 1 small hollow, 10 medium hollows and 5 large hollows)
 - vi. A description of any bushfire protection measures that will be required and how these will be achieved in accordance with the VMP objective
 - vii. A timeframe and schedule of actions with accountable parties for implementation of the VMP.

If you have any further questions about this issue, Ms Rachel Lonie, Senior Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6650 7130 or at Rachel.lonie@environment.nsw.gov.au.

Yours sincerely

 26 March 2018

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Regional Operations

Attachment 1: Detailed OEH Comments – Public Exhibition Cairncross Waste Management Facility SSD 5792

The proposal involves an expansion of the existing Cairncross Landfill site which is operated by Port Macquarie-Hastings Council. The proposal is for a three-stage expansion with the waste management operations extending to 2056.

An Environmental Impact Statement (EIS) has been prepared by Arcadis (dated November 2017). The subject site is Lot 1 DP 1202080, 8395 Pacific Highway, Telegraph Point. A majority of the area in the proposed Stage 1-3 expansion is a forestry plantation that was approved in October 2004 under the *NSW Plantations and Reafforestation Act 1999*. The approval permits council to manage the plantation in accordance with the Plantations and Reafforestation Code. Once plantation areas are cleared they can be withdrawn from plantation activities to facilitate expansion of the waste management facility.

An assessment has been carried out in accordance with the *Framework for Biodiversity Assessment* (FBA) under the NSW Biodiversity Offsets Policy for Major Projects for an area of approximately 3.4ha located in the east of the site. This is identified as the 'Development Site'. As the clearing of vegetation within the authorised plantation area has been approved, the impacts of clearing in plantation areas have not been included in the assessment.

1.0 Biodiversity assessment under the Framework for Biodiversity Assessment (FBA)

The Biodiversity Assessment Report (BAR) identifies 3.4ha of native vegetation to be cleared as Blackbutt Grassy Forest. It states this provides habitat for several threatened fauna species, including Koala, Green-thighed Frog and threatened microbats, all of which were recorded on or adjacent to the site. Impacts to threatened fauna species habitat from the proposal would be offset in accordance with the requirements of the NSW Biodiversity Offsets Policy for Major Projects and assessed under the FBA.

The BAR calculates the credits that are required to offset the impacts of the proposal as follows:

- 221 ecosystem credits for Blackbutt - Pink Bloodwood shrubby open forest of the coastal lowlands of the NSW North Coast Bioregion.
- 84 species credits for koala.
- 248 species credits for green-thighed frog.
- 3 species credits for Southern myotis.

The BAR does not include a Biodiversity Offset Strategy (BOS), as required under Stage 3 of the FBA. This step is required to demonstrate how the offset requirements will be met and should include on the timing and delivery mechanisms for the offsets. The BAR states that a biobanking agreement will be required to secure an offset site but does not identify where the site will be, what credits it will deliver and how it will be secured. Table 7-4 includes a mitigation measure that all offset land will be funded and managed in perpetuity under the council's Public Bushland Management Programme.

If the offset is to be provided on council-owned land then the proposed offset area needs to be assessed as required in Stage 3 of the FBA to demonstrate that the number and type of biodiversity credits will be in accordance with the FBA. Even though Stage 3 of the Waste Facility will be developed as the final stage, the offset for this impact should be secured within a more immediate timeframe to ensure the offset can be achieved.

OEH Recommendation

1. A Biodiversity Offset Strategy (BOS) should be prepared to demonstrate how the required offsets will be provided in accordance with the Framework for Biodiversity Assessment. The BOS could either commit to the retirement of the required biodiversity credits, or demonstrate that the offsets will be suitable (if an offset site is proposed to be established) and identify any supplementary measures in consultation with the OEH. The BOS should also detail the timing of offset delivery.

2.0 Adjoining park matters

The subject site adjoins the Rawdon Creek Nature Reserve (NR). Two watercourses flow through the site into Rawdon Creek and eventually the Hastings River through the NR. A Strategic Fire Advantage Zone (SFAZ) is proposed along the boundary adjacent to the adjoining nature reserve.

The National Parks and Wildlife Service (NPWS) has reviewed the proposal and has raised issues about the lack of a buffer between the Stage 3 (final expansion) and the NR, insufficient details on the composition and management of the SFAZ, and the adequacy of measures to contain runoff into the NR.

The impacts arising from the establishment and operation of a waste management facility, such as clearing, airborne litter, noise, vibration, runoff and lighting, may affect NR values and could also introduce weeds and increase access to the NR by feral animals.

To protect the values of the NR, a vegetated buffer should be provided between the NR and the development footprint to accept these impacts. Given the scale of the proposal and that it occurs upslope of the NR, the vegetated buffer should be in the order of 50m wide. Weed and feral animal control programs may also be required.

The OEH has prepared *Guidelines for developments adjoining OEH land and water* (<http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines>) and these should be considered for this development.

OEH Recommendations

2. A 50m wide vegetated buffer should be required between the boundary of the waste management facility footprint and the Rawdon Creek Nature Reserve. All infrastructure, including the Strategic Fire Advantage Zone, should be located outside this buffer.
3. An Environmental Management Plan, that includes a Vegetation Management Plan, should be prepared in consultation with the OEH that describes how the impacts arising from the operation of the waste management facility on the Rawdon Creek Nature Reserve will be managed and mitigated to address the OEH *Guidelines for developments adjoining OEH land and water* (<http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/development-guidelines>) and how the vegetated buffer will be managed. This could be required as a condition of consent.

2.1 Bushfire Protection and fencing to Nature Reserve

The Bushfire Assessment states a 30m wide SFAZ will be provided and maintained along the south-eastern boundary with the adjoining NR as mapped in Figure 12 of the EIS. An existing fire trail will be upgraded and maintained to provide an all-weather access having a width of 4m within a 6m corridor kept clear of shrubs and grasses.

The Bushfire Assessment also identifies that an all-weather access along the southern boundary of the subject land (i.e. that adjoins the State Forest) will be provided. There is an existing fire trail (identified as Extension Road) along the southern boundary but it is not clear if this is on the subject site (as shown in Figure 12) as it appears to be on the adjoining State Forest land according to information available to the OEH. This should be confirmed by survey.

For the south-eastern boundary, a chain wire fence is proposed along the boundary to the NR with the fire trail adjacent to the fence. The NPWS has advised it does not want to be in a position where it would be required to clear vegetation within the NR to either protect fence assets or defend the waste facility. The NPWS preference is for the SFAZ and associated fencing and fire trails to be wholly located on the waste facility site such that there is no requirement for clearing of the NR.

For the southern boundary, fencing and an all-weather fire trail access are proposed. This infrastructure should be located outside the area to be retained and managed as a koala connectivity corridor.

OEH Recommendations

The OEH recommends:

4. The Strategic Fire Advantage Zone in the vicinity of the south-eastern boundary of the subject land, including any fencing or fire trails, should be established outside the 50m wide vegetated buffer to the Rawdon Creek Nature Reserve, in consultation with the National Parks and Wildlife Service.
5. Fencing and fire trail access in the vicinity of the southern boundary of the subject land should be located outside the 50 m wide area to be retained and managed as a koala connectivity corridor.

2.1 Stormwater

The EIS identifies the risks for water quality impacts on the sensitive receiving environments downstream including the NR, Rawdon Creek and the Hastings River. A Stormwater Management Strategy is proposed which includes measures to minimise erosion, manage sedimentation and avoid surface water being contaminated by leachate. The OEH supports the recommendations for water quality monitoring including for leachates, groundwater and surface water. Nevertheless, the approval of OEH will be required if any discharge of stormwater into the NR is proposed.

The Stage 2 and Stage 3 Concept Plans for the landfill layout and stages show detention basins within the koala connectivity corridor and hard up to the NR. These structures should all be located outside the 50m wide vegetated buffer to the NR and outside the koala connectivity corridor.

The Plan refers to a future sewage treatment plant next to the NR that will be part of a separate approval. No further details have been provided and it is expected this will be referred to the OEH for comment at a future date. However, the OEH reiterates its advice that a buffer needs to be provided between proposed development areas and the NR.

OEH Recommendation

6. The proposed detention basins for Stages 2 and 3 should be located outside the 50m wide vegetated buffer to the Rawdon Creek Nature Reserve, and outside the koala connectivity corridor.

4.0 Koala connectivity corridor

A koala connectivity corridor is proposed to be established to partially offset the impacts to koala habitat as identified in Figure 8-7 of the BAR. The corridor would be approximately 50m wide and would run along the southern boundary of the subject land. The BAR suggests the koala connectivity corridor will be managed to encourage use by native species, specifically koalas, as well as other species likely to be impacted by the Proposal including Green-thighed Frog and several threatened microbats.

The proposed koala corridor area appears to be within the existing blackbutt plantation according to the mapping available to the OEH and as described in Figure 2-1 of the EIS.

The BAR suggests the koala corridor will be embellished with koala feed trees but gives no timing or other details for this work. The OEH considers trees and other native vegetation needs to be established in cleared areas in the short-term so that this area can provide adequate habitat for

koalas when the adjoining blackbutt forest is cleared. It is noted the adjoining State Forest land has been logged and there is a high likelihood it will be logged again in the future.

OEH Recommendation

7. A vegetation management plan (VMP) should be prepared and implemented for the 50m wide koala connectivity corridor. This should include the following:
 - a) A primary objective to create and maintain the area for native fauna habitat, particularly koalas
 - b) A remediation and revegetation plan for currently degraded areas to establish native trees, shrubs and groundcovers within the first five years of the project approval
 - c) Management measures for the existing plantation vegetation including allowing native understorey regeneration
 - d) Environmental and noxious weed management actions
 - e) Details on the hollow replacement mitigation measure (i.e. hollows to be replaced at 1:1 ratio to offset the impacts to 1 small hollow, 10 medium hollows and 5 large hollows)
 - f) A description of any bushfire protection measures that will be required and how these will be achieved in accordance with the VMP objective
 - g) A timeframe and schedule of actions with accountable parties for implementation of the VMP.

5.0 Compensatory habitat area

A compensatory habitat area of approximately 44 ha in size is located along the western edge of the site. This was an outcome of the original forestry agreement and it provides a potential habitat link between bushland to the north-west through the koala corridor to the NR. The compensatory habitat area has a management plan but is still zoned for a waste facility site (SP2 Special Infrastructure). Although it is noted that this is intended to be managed in perpetuity by council this zoning provides little long-term conservation security.

OEH Recommendation

8. The proponent should consider securing the compensatory habitat area in the west of the site as shown in Figure 8-7 of the BAR, the 50m wide koala connectivity corridor and the 50m wide buffer to the Rawdon Creek Nature Reserve with a Biodiversity Stewardship Agreement under the *Biodiversity Conservation Act 2016*. Such an agreement could generate some or all of the biodiversity credits required to offset the impacts of the proposal. Alternatively, the proponent should commit to rezoning these areas to E2 Environmental Conservation as part of the next standard instrument amendment to provide greater long-term conservation security for these areas.

6.0 Aboriginal cultural heritage

The OEH has reviewed the EIS and particularly the *Cairncross Landfill Expansion Port Macquarie - Hastings LGA, NSW Mid-North Coast Aboriginal and Non-Aboriginal Cultural Heritage Assessment* prepared by Adise (Dec 2016) and provides the following comments for consideration in relation to Aboriginal cultural heritage.

The OEH supports the four (4) management recommendations detailed in the above assessment report and notes they were developed in consultation with Aboriginal knowledge-holders. Provided the management measures to mitigate impacts on potential unexpected finds, as detailed in Section 8.10 and Table 8.51 (page 175), is included in the *Operational Environmental Management Plan: Cairncross Waste Management Facility* (PMHC, 2008) the OEH has no further concerns relating to Aboriginal cultural heritage matters. This will address the potential for unexpected Aboriginal objects to be encountered during construction.